

## NONIMMIGRANTS—Continued

Symbol	Class	Section of law
NATO 6 .....	Member of a Civilian Component Accompanying a Force Entering in Accordance with the Provisions of the NATO Status-of-Forces Agreement; Member of a Civilian Component Attached to or Employed by an Allied Headquarters Under the "Protocol on the Status of International Military Headquarters" Set Up Pursuant to the North Atlantic Treaty; and their Dependents.	Art. 1, 4 UST 1794; Art. 3, 5 UST 877.
NATO 7 .....	Attendant, Servant, or Personal Employee of NATO1, NATO2, NATO 3, NATO4, NATO5, and NATO6 Classes, or Immediate Family.	Arts. 12–20, 5 UST 1094–1098.
O1 .....	Alien with Extraordinary Ability in Sciences, Arts, Education, Business or Athletics.	101(a)(15)(O)(i).
O2 .....	Alien Accompanying and Assisting in the Artistic or Athletic Performance by O1.	101(a)(15)(O)(ii).
O3 .....	Spouse or Child of O1 or O2 .....	101(a)(15)(O)(iii).
P1 .....	Internationally Recognized Athlete or Member of Internationally Recognized Entertainment Group.	101(a)(15)(P)(i).
P2 .....	Artist or Entertainer in a Reciprocal Exchange Program .....	101(a)(15)(P)(ii).
P3 .....	Artist or Entertainer in a Culturally Unique Program .....	101(a)(15)(P)(iii).
P4 .....	Spouse or Child of P1, P2, or P3 .....	101(a)(15)(P)(iv).
Q1 .....	Participant in an International Cultural Exchange Program .....	101(a)(15)(Q)(i).
R1 .....	Alien in a Religious Occupation .....	101(a)(15)(R).
R2 .....	Spouse or Child of R1 .....	101(a)(15)(R).
S5 .....	Certain Aliens Supplying Critical Information Relating to a Criminal Organization or Enterprise.	101(a)(15)(S)(i).
S6 .....	Certain Aliens Supplying Critical Information Relating to Terrorism ..	101(a)(15)(S)(ii).
S7 .....	Qualified Family Member of S5 or S6 .....	101(a)(15)(S).
T1 .....	Victim of a severe form of trafficking in persons .....	101(a)(15)(T)(i).
T2 .....	Spouse of T1 .....	101(a)(15)(T)(ii).
T3 .....	Child of T1 .....	101(a)(15)(T)(ii).
T4 .....	Parent of T1 .....	101(a)(15)(T)(ii).
T5 .....	Unmarried Sibling under age 18 of T1 .....	101(a)(15)(T)(ii) as amended by sec. 201(a) of Pub. L. 110–457.
TN .....	NAFTA Professional .....	214(e)(2).
TD .....	Spouse or Child of NAFTA Professional .....	214(e)(2).
U1 .....	Victim of criminal activity .....	101(a)(15)(U)(i).
U2 .....	Spouse of U1 .....	101(a)(15)(U)(ii).
U3 .....	Child of U1 .....	101(a)(15)(U)(ii).
U4 .....	Parent of U1 under 21 years of age .....	101(a)(15)(U)(ii).
U5 .....	Unmarried Sibling under age 18 of U1 under 21 years of age .....	101(a)(15)(U)(ii).
V1 .....	Spouse of a Lawful Permanent Resident Alien Awaiting Availability of Immigrant Visa.	101(a)(15)(V)(i) or 101(a)(15)(V)(ii).
V2 .....	Child of a Lawful Permanent Resident Alien Awaiting Availability of Immigrant Visa.	101(a)(15)(V)(i) or 101(a)(15)(V)(ii).
V3 .....	Child of a V1 or V2 .....	203(d) & 101(a)(15)(V)(i) or 101(a)(15)(V)(ii).

[74 FR 61519, Nov. 25, 2009]

**Subpart C—Foreign Government Officials****§ 41.21 Foreign Officials—General.**

(a) *Definitions.* In addition to pertinent INA definitions, the following definitions are applicable:

(1) *Accredited.* as used in INA 101(a)(15)(A), 101(a)(15)(G), and 212(d)(8), means an alien holding an official position, other than an honorary official position, with a government or international organization and possessing a travel document or other evidence of intention to enter or transit the United

States to transact official business for that government or international organization.

(2) *Attendants,* as used in INA 101(a)(15)(A)(iii), 101(a)(15)(G)(v), and 212(d)(8), and in the definition of the NATO–7 visa symbol, means aliens paid from the public funds of a foreign government or from the funds of an international organization, accompanying or following to join the principal alien to whom a duty or service is owed.

(3) *Immediate family,* as used in INA 101(a)(15)(A), 101(a)(15)(G), and 212(d)(8), and in classification under the NATO–

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1 through NATO-5 visa symbols, means the spouse and unmarried sons and daughters, whether by blood or adoption, who are not members of some other household, and who will reside regularly in the household of the principal alien. Under the INA 101(a)(15)(A) and 101(a)(15)(G) visa classifications, “immediate family” also includes individuals who:

- (i) Are not members of some other household;
- (ii) Will reside regularly in the household of the principal alien;
- (iii) Are recognized as immediate family members of the principal alien by the sending Government as demonstrated by eligibility for rights and benefits, such as the issuance of a diplomatic or official passport, or travel or other allowances; and
- (iv) Are individually authorized by the Department.

(4) *Servants and personal employees*, as used in INA 101(a)(15)(A)(iii), 101(a)(15)(G)(v), and 212(d)(8), and in classification under the NATO-7 visa symbol, means aliens employed in a domestic or personal capacity by a principal alien, who are paid from the private funds of the principal alien and seek to enter the United States solely for the purpose of such employment.

(b) *Exception to passport validity requirement for aliens in certain A, G, and NATO classes.* A nonimmigrant alien for whom the passport requirement of INA 212(a)(7)(B)(i)(I) has not been waived and who is within one of the classes:

- (1) Described in INA 101(a)(15)(A)(i) and (ii); or
- (2) Described in INA 101(a)(15)(G)(i), (ii), (iii), and (iv); or
- (3) NATO-1, NATO-2, NATO-3, NATO-4, or NATO-6 may present a passport which is valid only for a sufficient period to enable the alien to apply for admission at a port of entry prior to its expiration.

(c) *Exception to passport validity requirement for foreign government officials in transit.* An alien classified C-3 under INA 212(d)(8) needs to present only a valid unexpired visa and a travel document which is valid for entry into a foreign country for at least 30 days from the date of application for admission into the United States.

(d) *Grounds for refusal of visas applicable to certain A, C, G, and NATO classes.*

(1) An A-1 or A-2 visa may not be issued to an alien the Department has determined to be persona non grata.

(2) Only the provisions of INA 212(a) cited below apply to the indicated classes of nonimmigrant visa applicants:

- (i) Class A-1: INA 212(a) (3)(A), (3)(B), and (3)(C);
- (ii) Class A-2: INA 212(a) (3)(A), (3)(B), and (3)(C);
- (iii) Classes C-2 and C-3: INA 212(a) (3)(A), (3)(B), (3)(C), and (7)(B);
- (iv) Classes G-1, G-2, G-3, and G-4: INA 212(a) (3)(A), (3)(B), and (3)(C);
- (v) Classes NATO-1, NATO-2, NATO-3, NATO-4, and NATO-6: INA 212(a) (3)(A), (3)(B), and (3)(C);

(3) An alien within class A-3 or G-5 is subject to all grounds of refusal specified in INA 212 which are applicable to nonimmigrants in general.

(4) Notwithstanding the provisions of Section 5(a) and consistent with Section 5(f)(2) of the Tom Lantos Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2008, Public Law 110-286, visas may be issued to visa applicants who are otherwise ineligible for a visa to travel to the United States under section 5(a)(1) of the Act:

- (i) To permit the United States and Burma to operate their diplomatic missions, and to permit the United States to conduct other official United States Government business in Burma;
- (ii) To permit the United States to comply with the United Nations Headquarters Agreement and other applicable international agreements.

[52 FR 42597, Nov. 5, 1987; 53 FR 9111, Mar. 21, 1988, as amended at 56 FR 30428, July 2, 1991; 73 FR 56729, Sept. 30, 2008; 74 FR 36113, July 22, 2009]

### §41.22 Officials of foreign governments.

(a) *Criteria for classification of foreign government officials.* (1) An alien is classifiable A-1 or A-2 under INA 101(a)(15)(A) (i) or (ii) if the principal alien:

- (i) Has been accredited by a foreign government recognized de jure by the United States;